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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/733,309

12/12/2003

Eric Keller

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03/24/2008

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EXAMINER

PARKER, BRANDI P

ART UNIT

PAPER NUMBER

4137

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/733,309	Applicant(s) KELLER ET AL.	
	Examiner BRANDI P. PARKER	Art Unit 4137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/15/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

1. Claims 1-27 are pending in this Office Action.
2. This Office Action is given Paper No. 20080310 for reference purposes only.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-17 and 20-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over P. Deborah Clark (US 5311423) in view of Hockler (US 4011434).

3. With respect to **claim 1, 9, 13 and 21-24** Clark teaches a location identification codes at a location, the method comprising:
 - a. providing at least one machine-readable location identification code at the location to provide location information for the location (column/line 2/49-53);
 - b. providing the person with a reader for reading the at least one machine-readable location identification code at the location (column/line 16/58-63);

Clark does not explicitly teach tracking and recording the arrival and departure time of a person at a particular location. However Hockler teaches:

- c. on arrival of the person at the location, reading a first-read machine-readable location identification code in the at least one machine-readable location identification code using the reader and determining an arrival time based on when the first-read machine-readable location identification code is read (column/line 2/61-3/2);
- d. on departure of the person from the location, reading a last-read machine-readable location identification code in the at least one machine-readable location identification code using the reader and determining a departure time based on when the last-read machine-readable location identification code is read (column/line 2/61-3/2); and
- e. recording service information data comprising the arrival time and the departure time (column/line 2/61-3/2).

It would have been obvious to one having ordinary skill in the art to Clark with Hockler because Hockler involves calculating elapsed time spent at a particular location by employees.

4. **Claims 2-4 and 14-16** are rejected under the same rationale as claims 1 and 13.

5. Regarding **claim 3**, Hockler teaches storing identification information for the person such that the service information data further comprises the identification information for the person (column/line 47-50).

6. As to **claims 5 and 17**, Clark teaches providing at least one of a shift report for the person over a selected time interval, a location report for the location over a selected time interval (column/line 17/28-40).

7. With respect to **claims 8 and 20**, Hockler or Clark does not explicitly teach where the reader comprises a wireless transmitter, and transmitting the arrival time and the departure time from the reader to a storage device. It would have been obvious for one of ordinary skill in the art to include the badge reader/recorder 101 of Hockler (column/line 3/57-60, figure 1A) or the portable scanner 74 of Clark (abstract, Figure 2, item 74, (column/line 16/59-63) with a wireless transmitter in order to allow the placing of the reader at location where wiring is not present (Ex parte Smith, 83 USPQ2d 1509 (Bd. Pat. App. & Int. 2007); In re Wolfe, 116 USPQ 443, 444 (CCPA 1961))

Furthermore, the inclusion of the badge reader/recorder 101 of Hockler or the portable scanner 74 of Clark with a wireless transmitter is obvious in view of combination of the two prior art patents, since claims are combinations that merely unite old elements with no change in their respective functions, and which yield predictable results, since neither applicant's specification nor her arguments present any evidence that modifications necessary to effect combinations are uniquely challenging or difficult for person of ordinary skill in art, and since claimed improvement is no more than simple substitution of one known element for another, or mere application of known technique

to piece of prior art ready for improvement. *Ex parte Smith*, 83 USPQ2d 1509 (Bd. Pat. App. & Int. 2007)

Claims 6-7, 10-12 and 18-19 are rejected by Clark and Hockler in further view of Wiggins (US 3648243).

8. With respect to **claims 6, 11 and 18**, Clark modified by Hockler teaches the method of tracking time spent at a location. However Clark modified by Hockler does not explicitly teach providing task identifiers association with the location. Wiggins teaches :

f. providing at least one machine-readable task identifier at the location, wherein an associated machine-readable location identification code and associated task identification information are determinable from the at least one machine-readable task identifier, the associated machine-readable location identification code being included in the at least one machine-readable location identification code (abstract, column/line 1/35-42, claim 1);

g. reading the first-read machine-readable location identification code from a first-read machine-readable task identifier in the at least one machine-readable task identifier on arrival of the person at the location (abstract, column/line 1/35-42, claim 1);

h. reading the last-read machine-readable location identification code from a last-read machine-readable task identifier in the at least one machine-readable

task identifier on departure of the person from the location (abstract, column/line 1/35-42, claim 1) and

i. the service information data comprises the associated task identification information for each machine-readable task identifier in the at least one machine-readable task identifier at the location (abstract, column/line 1/35-42, claim 1).

It would have been obvious to one having ordinary skill in the art to combine Wiggins with Clark and Hockler because the system in Wiggins is necessary to provide a record for different jobs by employees for job accounting information.

9. **Claims 7 and 19** are rejected under the same rationale as claims 6 and 18.

10. As to **claim 10**, Clark teaches uploading the service information data from the reader to a storage device (column/line 16/59-63).

11. With respect to **claim 12**, Clark teaches one machine-readable location identification code comprises a single code only such that the first-read machine-readable location identification code and the last-read machine-readable location identification code are identical (column/line 16/53-58).

Conclusion

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12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vereen (US 4509123), Perkins, III, et al (US 6073114), Sims et al (US 5434775), Li et al (US 7136832) and Larson et al (US 6779721).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDI P. PARKER whose telephone number is (571) 272-9796. The examiner can normally be reached on Mon-Thurs. 8-4pm.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin L. Hewitt II can be reached on (571) 272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Calvin L Hewitt II/

Supervisory Patent Examiner, Art Unit 4137